

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, AUGUST 13, 2002  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 6, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated August 6, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. Law Enforcement Explorer Post 80.**

Terry Wagner, Sheriff, appeared and explained that Explorer Post 80 consists of youth, ages 14 to 21, who have an interest in law enforcement careers. He added that the Explorer Posts for the Lincoln Police Department and the Sheriff's Office merged with each department providing an officer to act as an advisor. Wagner said Deputy Sheriff Emanuel Bartek represents the Sheriff's Office and Officer Missy Sutter is the representative for the Lincoln Police Department.

Representing Law Enforcement Explorer Post 80 were Jeff Hansen, Garrett Packett, Brian Wilson, Matt Frisbie, Colin Miller and Boris Ilig.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

**A. Payment Voucher 333-3589 dated July 1, 2002 - Lancaster County Cooperative Extension has requested payment to Kendra Schmit, totaling \$56.07, for miscellaneous supplies between September 20, 2001 and June 26, 2002. \$11.08 is over 90 days old (See State Statute 23-135).**

**MOTION:** Heier moved and Hudkins seconded approval of Payment Voucher 33-3589, dated July 1, 2002. Lancaster County Cooperative Extension has requested payment to Kendra Schmit, totaling \$56.07, for miscellaneous supplies between September 20, 2001 and June 26, 2002. \$11.08 is over 90 days old. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

**B. Payment Voucher 784-7006, dated July 23, 2002 payable to Mary Paine, Ph.D., in the amount of \$302.50. This payment is for counseling services under County contract C-02-0307. The contract is for a maximum of five hours per week. Ms. Paine is requesting payment for 5.5 hours for services provided on July 24, 2002.**

David Johnson, Deputy County Attorney, appeared and recommended the claim be deferred.

**MOTION:** Campbell moved and Heier seconded to defer Payment Voucher 784-7006, dated July 23, 2002 payable to Mary Paine, Ph.D., in the amount of \$302.50. This payment is for counseling services under County contract C-02-0307. The contract is for a maximum of five hours per week. Ms. Paine is requesting payment for 5.5 hours for services provided on July 24, 2002. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

5) **CLAIMS:** **Approval of all claims processed through Tuesday, August 13, 2002.**

**MOTION:** Heier moved and Campbell seconded approval of all claims processed through August 13, 2002. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Saturday, August 31, 2002 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska.**

**MOTION:** Campbell moved and Stevens seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Saturday, August 31, 2002 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska subject to the conditions as outlined in the Sheriff's recommendation. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

- B. A labor agreement between Lancaster County and the Fraternal Order of Police, Lodge 32 for the August 22, 2002 to August 31, 2005 contract term. (C-02-0369)**

**MOTION:** Campbell moved and Hudkins seconded approval of a labor agreement between Lancaster County and the Fraternal Order of Police, Lodge 32 for the August 22, 2002 to August 31, 2005 contract term. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- C. A service agreement with Microfilm Imaging Systems for warranty service on a microfilm duplicator for the Lancaster County Records and Information Management Department, beginning May 1, 2002 and ending April 30, 2003. The fee for the agreement is paid by Modern Office Methods, the equipment provider, and there will be no charge to the County for the service. (C-02-0370)**

Johnson stated there would be no cost to the County with regard to the agreement and explained that a duplicator was purchased, however, no warranty was provided by the vendor. He stated that the vendor subcontracted with Microfilm Imaging Systems to provide the service agreement which takes the form of the warranty.

In response to questions asked by Heier, Vince Mejer, Purchasing Agent, appeared and explained that the County requires a one year warranty. He added that the cost of the warranty was included in the purchase price.

6) **NEW BUSINESS CONTINUED:**

Johnson recommended that should the County Board approve the agreement it be subject to receiving a service agreement indicating there is no fee.

**MOTION:** Campbell moved and Stevens seconded approval of a service agreement with Microfilm Imaging Systems for warranty service on a microfilm duplicator for the Lancaster County Records and Information Management Department, beginning May 1, 2002 and ending April 30, 2003 with the addition that there be no additional fees. Workman, Stevens, Campbell and Hudkins voted aye. Heier voted no. Motion carried.

**D. An agreement for professional consulting services with Maximus, Inc. to provide cost allocation plans and collections from programs which the County operates with outside funding for fiscal year 2002, 2003 and 2004. The term of the agreement is from the date of execution to December 31, 2005. The County will pay \$11,500 per year. (C-02-0371)**

**MOTION:** Heier moved and Campbell seconded approval of an agreement for professional consulting services with Maximus, Inc. to provide cost allocation plans and collections from programs which the County operates with outside funding for fiscal year 2002, 2003 and 2004. The term of the agreement is from the date of execution to December 31, 2005. The County will pay \$11,500 per year. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**E. An interlocal agreement with Region V Human Service Program for comprehensive mental health, alcoholism and drug abuse services in Lancaster County, beginning July 1, 2002 and ending June 30, 2003. The County will receive \$4,393,865. (C-02-0372)**

Dean Settle, Director of the Community Mental Health Center, appeared and gave a brief explanation of the agreement indicating that it represents 60 percent of the Mental Health Center's total revenues.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Campbell seconded approval of an interlocal agreement with Region V Human Service Program for comprehensive mental health, alcoholism and drug abuse services in Lancaster County, beginning July 1, 2002 and ending June 30, 2003. The County will receive \$4,393,865. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

**F. An interlocal agreement with Region V Systems to use Lancaster County's Emergency Protective Care (EPC) facility at the Crisis Center for services to acutely mentally ill individuals, beginning July 1, 2002 and ending June 30, 2003. The County will be reimbursed \$106 per individual for each day or fraction thereof an individual is at the Community Mental Health Center. (C-02-0373)**

**MOTION:** Heier moved and Campbell seconded approval of an interlocal agreement with Region V Systems to use Lancaster County's Emergency Protective Care (EPC) facility at the Crisis Center for services to acutely mentally ill individuals, beginning July 1, 2002 and ending June 30, 2003. The County will be reimbursed \$106 per individual for each day or fraction thereof an individual is at the Community Mental Health Center. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

**G. A resolution directing the County Engineer to conduct a study regarding the vacation of a portion of a County road located on Madison Street just south of "A" Street adjacent to Lot 19 in the northwest quarter of Section 31, Township 10 North, Range 8 East of the 6<sup>th</sup> P.M. in Lancaster County, Nebraska. (R-02-0092)**

**MOTION:** Campbell moved and Hudkins seconded approval of Resolution 02-0092 directing the County Engineer to conduct a study regarding the vacation of a portion of a County road located on Madison Street just south of "A" Street adjacent to Lot 19 in the northwest quarter of Section 31, Township 10 North, Range 8 East of the 6<sup>th</sup> P.M. in Lancaster County, Nebraska. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

The Clerk read New Business Items 6H and 6I together.

**H. Correction of a clerical error relating to Resolution 02-0079 approving County Special Permit Number 194, Stevens Creek Estates Community Unit Plan, requested by Gerry and Dianne Krieser, consisting of four single acreage lots on property generally located at 190<sup>th</sup> Street and Havelock Avenue in Lancaster County, Nebraska. (R-02-0079)**

**I. Correction of a clerical error relating to Resolution 02-0080 approving County Preliminary Plat 02010, Stevens Creek Estates, requested by Gerry and Dianne Krieser, consisting of four single family acreage lots on property generally located at 190<sup>th</sup> Street and Havelock Avenue in Lancaster County, Nebraska. (R-02-0080)**

**MOTION:** Campbell moved and Heier seconded approval of New Business Items 6H and 6I relating to correction of clerical errors in connection with Resolution 02-0079, County Special Permit Number 194, and Resolution 02-0080, County Preliminary Plat 02010.

In response to a question asked by Stevens, Johnson appeared and indicated the corrections relate to the legal description and the spelling of Mr. Krieser's first name.

**ROLL CALL:** Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

**J. A political subdivision tort claim filed against Lancaster County by DeAnn C. Stover for non-payment of an attorney's lien.**

**MOTION:** Campbell moved and Heier seconded to deny the political subdivision tort claim filed against Lancaster County by DeAnn C. Stover for non-payment of an attorney's lien. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

**K. A request for a refund of real estate taxes from the Wilma A. Monnington Revocable Trust for 2000, in the approximate amount of \$134.66 and for 2001, in the approximate amount of \$161.12.**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Campbell seconded approval of a request for a refund of real estate taxes from the Wilma A. Monnington Revocable Trust for 2000, in the approximate amount of \$134.66 and for 2001, in the approximate amount of \$161.12. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. **A request from Virginia D. Gergen, an employee in the County Attorney's Office, to voluntarily participate in the Lancaster County Retirement Plan.**
- B. **A request from Lori Maret, Deputy County Attorney, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.**
- C. **A leasehold contract relating to culvert construction between the Lancaster County Engineering Department and Randy Warner, in the amount of \$10, on Branched Oak Road west of North 134<sup>th</sup> Street; Project C.P.A-252. (C-02-0366)**
- D. **Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and Linda Jensen, in the total amount of \$13,295, at 12100 South 190<sup>th</sup> Street; Project C55-QR-408(1). (C-02-0367 and C-02-0368)**

**MOTION:** Heier moved and Campbell seconded approval of the Consent Items. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

**OTHER BUSINESS:**

Craig Groat, 4935 Huntington, Lincoln, Nebraska, appeared and addressed his concerns in relation to the Old Federal Building, stating he felt the building would serve as an excellent location for County and City offices. He indicated that he had toured the building with Don Killeen, Building Administrator, who said it had given 25 years of excellent use and would continue to do so in the future. Groat referred to a study conducted by Sinclair Hille in 1993 which recommended that the Old Federal Building be used as the County-City Building. Groat requested that the County use its power of eminent domain under Neb. Rev. Stat. §23-325.

The Board of Commissioners meeting was recessed at 2:17 p.m.

The Board of Commissioners meeting was reconvened at 3:15 p.m.

8) **EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING LABOR NEGOTIATIONS:** - Diane Staab, Deputy County Attorney

**MOTION:** Campbell moved and Hudkins seconded to enter into Executive Session at 3:24 p.m. for the purpose of discussing labor negotiations. Campbell, Hudkins, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

**MOTION:** Campbell moved and Heier seconded to exit Executive Session at 4:11 p.m. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

**MOTION:** Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 4:12 p.m. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

---

Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, AUGUST 13, 2002  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:17 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 6, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated August 6, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 41 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Heier moved and Stevens seconded approval of 41 additions and deductions to the tax assessment rolls. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Eastridge Presbyterian Church  
Goodwill Industries Serving Southeast Nebraska  
Nebraska Annual Conference of the United Methodist Church  
Sisters of Mary Queen of Mercy  
Sisters of Mercy  
YWCA of Lincoln**

**MOTION:** Heier moved and Campbell seconded approval of motor vehicle tax exemptions for Eastridge Presbyterian Church, Goodwill Industries Serving Southeast Nebraska, Nebraska Annual Conference of the United Methodist Church, Sisters of Mercy and YWCA of Lincoln and to also approve a motor vehicle tax exemption for Sisters of Mary Queen of Mercy subject to the vehicle(s) being titled and registered to the applicant. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

**Neal R. and Susan M. Anderson**

Norm Agena, County Assessor, recommended a new value of \$168,190.

**MOTION:** Hudkins moved and Stevens seconded to accept the County Assessor's recommendation and assess a new value of \$168,190 for Neal R. and Susan M. Anderson. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **APPROVAL OF 2002 451 TAX EXEMPTION APPLICATIONS FOR THE FOLLOWING:**

**St. Vincent De Paul Warehouse and Stores  
Clyde Malone Community Center**

**MOTION:** Campbell moved and Hudkins seconded to accept the County Assessor's recommendation and approve 2002 451 tax exemption applications for St. Vincent De Paul Warehouse and Stores and Clyde Malone Community Center. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **APPROVAL OF A PART OF A 2002 451 TAX EXEMPTION APPLICATION:**

**Tothill Cemetery Association**

**MOTION:** Hudkins moved and Heier seconded to accept the County Assessor's recommendation to approve a part of a 2002 451 tax exemption application for Tothill Cemetery Association. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

8) **REMOVAL OF A 451A TAX EXEMPTION FOR 2002:**

**Saint Joseph's Church**

**MOTION:** Campbell moved and Stevens seconded to accept the County Assessor's recommendation and remove the 451A tax exemption for 2002 for Saint Joseph's Church. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

9) **2002 451 TAX EXEMPTION APPLICATIONS FOR THE FOLLOWING:**

**KC Council Building Association**

Agena stated he has received no indication regarding use of the building and recommended denial. He explained that it appears it is a clubhouse in conjunction with a townhouse development.

**MOTION:** Heier moved and Campbell seconded to accept the County Assessor's recommendation and deny the 2002 451 tax exemption for the Knights of Columbus Council Building Association. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

**Carmel of Jesus, Mary and Joseph**

Agena recommended that the caretaker's home be exempt and to tax 510 square feet being used as guestrooms for visitors.

**MOTION:** Campbell moved and Stevens seconded to accept the County Assessor's recommendation to grant the exemption relating to the caretaker's home and to tax 510 square feet of the home being used as guestrooms. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

9) 2002 451 TAX EXEMPTION APPLICATIONS CONTINUED:

**Sheridan Lutheran Church**

Paula Metcalf appeared on behalf of Sheridan Lutheran Church and stated they contracted to purchase the property in June of 2001, with the church acquiring legal title to the property on July 9, 2002.

Offered and marked for the record was a time line for construction of a new church and supporting documents (Exhibit 1).

Metcalf stated it was her understanding that there was a concern about the application because no building permit has been issued and said there are no standards in the case law or State Statutes which establish when a property has been placed in use for charitable/religious purposes.

In response to a question asked by Workman, Metcalf responded that it is anticipated they will apply for a building permit in mid-September.

Hudkins asked when they first moved dirt at the site.

Metcalf stated it was on July 30, 2002.

Norm Agena, County Assessor, recommended that the exemption be denied.

Mike Thew, Chief Deputy County Attorney, appeared and stated he had indicated in conversations with Mrs. Metcalf that the Board had chosen the building permit as the line of demarcation as a matter of treating everyone fairly because of the potential for abuse.

Extensive discussion took place regarding use of the property.

Thew stated there is case law which indicates exempt status is determined as of levy day. He stated the problem is that the County Assessor is dealing with a statute which says application must be made by August 1<sup>st</sup> and the County Board is dealing with a statute which that says a decision must be made by August 15<sup>th</sup>.

It was suggested by Thew that he, along with Mrs. Metcalf, the County Assessor and the State of Nebraska Property Tax Administrator meet to resolve the potential conflict among the legal provisions.

It was also noted that the Board could proceed with denying the application so that the taxpayer could appeal to the Tax Equalization and Review Board.

9) **2002 451 TAX EXEMPTION APPLICATIONS CONTINUED:**

Gary Lacey, County Attorney, appeared and stated he felt it was clear that Sheridan Lutheran Church was using the property for a charitable purpose. It was Lacey's recommendation to grant the exemption.

Campbell requested clarification regarding the date that the County Board must be take action in relation to tax exemption applications.

**MOTION:** Hudkins moved and Campbell seconded to grant the 2002 451 tax exemption application for Sheridan Lutheran Church.

Hudkins clarified that a partial exemption be granted for Sheridan Lutheran Church on the ground to be used to construct a new church.

**ROLL CALL:** Hudkins, Heier, Workman and Campbell voted aye. Stevens voted no. Motion carried.

Campbell reiterated that she would like to know the answer to the question regarding the levy date.

Hudkins concurred.

10) **ADJOURNMENT:**

**MOTION:** Heier moved and Campbell seconded adjournment of Board of Equalization meeting at 3:15 p.m. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

---

Bruce Medcalf  
County Clerk